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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,280	08/13/2001	Carrie Brownhill	30GF9094	4830

7590 06/04/2004

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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/04/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,280

Applicant(s)

BROWNHILL ET AL.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-12** are presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-6, 8-10, drawn to a service-portal automation control module, classified in **class 709, subclass 250**.
 - II. Claims 7, 11-12, drawn to a method for assisting user to retrieve and display service portal data relevant to a user's ACM in a web browser, classified in **class 709, subclass 203**.
3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination, directed to server portal. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a service-portal automation control module, classified in a *different Class/ Subclass*. And invention II has separate utility such as a method for assisting user to retrieve and display service portal data relevant to a user's ACM in a web browser, classified in a *different Class/Subclass*. See MPEP § 806.05(d).

4. The inventions are distinct, each from the other because of the following reasons:

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(a) These invention have acquired a separate status in the art as shown by their different classifications.

(b) The search required for each Group is different and not co-extensive for examination purposes.

For example, the searches for the three inventions would not be co-extensive because these Groups would require different searches on PTO's classification class and/or subclass as following:

The Group I search (claims 1-6, and 8-10) would require use of search **Class 709, subclass 250** (not require for invention II).

The Group II search (claims 7 and 11-12) would require use of search **Class 709, subclass 203** (not require for the invention I).

For the reasons given above restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Applicants' Representative, Mr. Karl A. Vick (Reg. No. 33,288), on May 27, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-6, and 8-10. Affirmation of this election must be made by applicant in replying to this Office action. **Claims 7 and 11-12 are withdrawn from further consideration as being directed to a non-elected invention.** See 37 CFR 1.142(b), as being drawn to a non-elected invention and MPEP § 821.03.

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6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-4, 6, and 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Logue et al.**, (hereinafter Logue) U.S. Patent No. **6,330,606**.

9. As to claim 1, **Logue** teaches the invention as claimed, including a service-portal automation control module (ACM), comprising:

a first central processing unit (CPU) configured for processing automation control signals (figure 3, element 55, figure 4, element 430 – the NIC 55);

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a first memory operably connected to said first CPU (figure 4, elements 420, 440);

a second CPU operably connected to said first CPU (figure 3, element 50, figure 4, element 410);

a second memory operably connected to said second CPU for storing a service-portal database (figure 4, elements 461, 465, 425) containing a first set of service-portal data and one or more links to a second set of service-portal data stored in a remote network server (figure 4, elements 461, 465, 425, 480, col. 5, lines 5-col. 6lines 67); and

a first network interface operably connected to said second CPU (figures 3, 4, element 54) and to a gateway configured for enabling said second CPU to communicate with said remote network server (figures 1, 3, 4, col. 3, lines 40-50 – the modem pool 2 coupled through a router (which can be interpreted as gateway) interfaces between proxy 405 and remote site administrator 480 (which can be read as remote network server)).

10. As to claim 3, **Logue** teaches the invention as claimed, wherein said first memory stores a configuration file containing specific information on said service-portal ACM (col. 5, lines 5-col. 6, lines 67, col. 7, lines 40-col. 8 lines 14).

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11. As to claim 4, **Logue** teaches the invention as claimed, wherein said second CPU is configured for functioning as a network server (figures 3-4).

12. As to claim 6, **Logue** teaches the invention as claimed, wherein said gateway is configured for enabling said second CPU to communicate with said remote network server via Internet (figures 1, 3, 4, col. 3, lines 40-50 – the modem pool 2 coupled through a router (which can be interpreted as gateway) interfaces between proxy 405 and remote site administrator 480 (which can be read as remote network server)).

13. As to claim 8, **Logue** teaches the invention as claimed, further comprising a user interface operably connected to said second CPU and configured for enabling a user to request said first set of service-portal data from said second memory and said second set of service-portal data from said remote network server (figures 1, 4, elements 461, 465, 425, 480, col. 5, lines 5-col. 6lines 67).

14. As to claim 9, **Logue** teaches the invention as claimed, wherein said second memory is configured for loading at least one Web browser to open Web pages stored in said second memory (figures 2, 4, col. 3, lines 63-col. 4, lines 15, col. 5 lines 5-66).

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15. As to claim 10, **Logue** teaches the invention as claimed, further comprising: a third CPU operably connected to said gateway and configured for communicating with said second CPU and said remote network server via said gateway; and a third memory operably connected to said third CPU and configured for loading at least one Web browser to open Web pages stored in said second memory (figures 2, 4, col. 3, lines 63-col. 4, lines 15, col. 5 lines 5-66, col. 9, lines 55-col. 10 lines 29, col. 11, lines 25-27). WebTV client 1 having hardware/software for providing user with user interface to access network service, browse the web, access the Internet, it deems to be inherent that WebTV client 1 have a CPU, a memory in order to process request, browse the web and load the desired web page.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2 and 5 rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Logue** U.S. Patent No. **6,330,606**, in view of **Stephens, Jr.** U.S. Patent No. **6,557,026**.

18. As to claim 2, **Logue** does not explicitly teach the invention as claimed; however, **Stephens, Jr.** teaches: a backplane interface operably connected to said first CPU; an ACM backplane operably connected to said backplane interface; and an interface module operably connected to said ACM backplane (figure 1A, col. 5, lines 38-col. 6 lines 67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Logue and Stephens, Jr.** to include backplane interface and interface module because it would provide an efficient communications system that can monitor and control the standard peripheral devices.

19. As to claim 5, **Logue** teaches the invention as claimed, wherein said first network interface supports one or more low-level protocols including TCP/IP protocol (figure 1-4, col. 5, lines 17-30). It would have been obvious to one of ordinary skill in the art that **Logue** teaches that client and server establish a connection so that they can send message back and forth which is obvious to one skill in the art that the system using different protocols including TCP/IP protocol because it would provide an efficient system that for data transmission over networks.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892 attached).

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

May 25, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER